

**2. Title**

Ozone Nonattainment and Maintenance Areas: Surface Coating Processes.

**3. A concise explanation of the particular statutory provisions under which the rule is enacted and how these provisions authorize or require the rule:**

R307-341 establishes reasonably achievable control technology (RACT) requirements for the use or application of cutback asphalt in any ozone nonattainment or maintenance areas. The rule is required under the state implementation plan for ozone that is incorporated by reference under R307-110-13. The plan is required by the Clean Air Act, 42 U.S.C. 7410, to maintain the federal health standard for ozone. Subsection 19-2-104(1)(a) authorizes the Air Quality Board to make rules "...regarding the control, abatement, and prevention of air pollution from all sources and the establishment of the maximum quantity of air contaminants that may be emitted by any air contaminants source. . ." Subsection 19-2-101(2) states "It is the policy of this state and the purpose of this chapter to achieve and maintain levels of air quality which will protect human health and safety. . ."

**4. A summary of written comments received during and since the last five-year review of the rule from interested persons supporting or opposing the rule:**

R307-341 was amended once since its last five-year review (effective 01/16/2007, DAR No. 29010); no comments were received. No other comments were received about this rule since the last review.

**5. A reasoned justification for continuation of the rule, including reasons why the agency disagrees with comments in opposition to the rule, if any:**

The rule is required under the state implementation plan for ozone, incorporated by reference under R307-110-13. The plan is required under the Clean Air Act, 42 U.S.C. 7410; without the state plan, EPA would be required to impose a Federal Implementation Plan.

**6. key words:** air pollution, emission controls, asphalt, solvent**7. attach document.**

Agency head or designee, and title

Date

m. Cuy H

2-23-07